

JAMES W. HUSTON (BAR NO. 115596)
JHuston@mofo.com
ERIN M. BOSMAN (BAR NO. 204987)
WILLIAM V. O'CONNOR (BAR NO. 216650)
JOANNA E. HERMAN (BAR NO. 227480)
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: 858.720.5100
Facsimile: 858.720.5125

Attorneys for Defendant
HONEYWELL INTERNATIONAL, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH GETZ, individually and as a surviving
heir of decedent KRISTOFER D. S. THOMAS;
RODNEY THOMAS, individually and as a surviving
heir of decedent, KRISTOFER D. S. THOMAS;
MARY DUFFMAN, individually and as a surviving
heir of decedent, SCOTT E. DUFFMAN; SOPHIA
DUFFMAN, a minor, individually and as a surviving
heir of decedent SCOTT E. DUFFMAN, by and
through her Guardian ad Litem, MARY DUFFMAN;
CHRISTINE VAUGHN, individually and as a
surviving heir of decedent, TRAVIS R. VAUGHN;
BRAD VAUGHN, individually and as a surviving
heir of decedent, TRAVIS R. VAUGHN; JILL
GARBS, individually and as a surviving heir of
decedent RYAN GARBS; DOUG GARBS,
individually and as a surviving heir of decedent,
RYAN GARBS; JORDAN LANHAM; JERRY
GOLDSMITH; RYANNE NOSS, individually and as
spouse of SCOT NOSS; TIMOTHY BRAUCH;
CHRIS TRISKO, MARK DANIEL HOUGHTON,

Plaintiffs,

v.

THE BOEING COMPANY, a corporation;
HONEYWELL INTERNATIONAL, INC., a
corporation; GOODRICH CORPORATION, a
corporation; BF GOODRICH AEROSPACE;
CHANDLER EVANS CONTROL SYSTEMS;
GENERAL ELECTRIC and DOES 1 through 200,
inclusive,

Defendants.

Case No. CV 07-06396 CW

**DECLARATION OF WILLIAM V.
O'CONNOR IN SUPPORT OF
HONEYWELL INTERNATIONAL
INC.'S REPLY TO PLAINTIFFS'
OPPOSITION TO MOTION TO
TRANSFER VENUE**

Date: February 21, 2008
Time: 2:00 p.m.

Courtroom: 2
Judge: Hon. Claudia Wilken

1 I, William V. O'Connor, declare as follows:

2 1. I am an associate at the law firm of Morrison & Foerster LLP, attorneys of record
3 in this action for Honeywell International Inc. ("Honeywell"). I am familiar with the facts of the
4 case, the pleadings on file with the Court, and have been responsible for the day-to-day
5 management of this case. The statements contained in the declaration are based on my own
6 personal knowledge, and if required by this Court, I would testify competently as follows:

7 2. Attached hereto as Exhibits 1 and 2 are true and correct copies of dockets from the
8 United States District Court for the District of Arizona which involve product liability lawsuits
9 filed against The Boeing Company and Goodrich Pump and Engine Control Systems, Inc. In
10 each of these cases The Boeing Company and Goodrich Pump and Engine Control Systems, Inc.
11 filed answers to the plaintiffs' complaint with out a challenge to personal jurisdiction.

12 3. Attached hereto as Exhibit 3 is a true and correct copy of corporate information
13 from Arizona's Corporate Commission regarding The Boeing Company. The Boeing Company
14 has a registered agent in the State of Arizona which is listed in Exhibit 3.

15 4. Attached hereto as Exhibit 4 is a true and correct copy of corporate information
16 from Arizona's Corporate Commission regarding Goodrich Corporation. The Goodrich
17 Corporation has a registered agent in the State of Arizona which is listed in Exhibit 4. Plaintiffs
18 herein accomplished service of their Complaint on all Goodrich related entities in this case
19 through service on the Goodrich Corporation's registered agent in California. Goodrich Pump
20 and Engine Control Systems, Inc. is a wholly owned subsidiary of Goodrich Corporation.

21 5. I have personally been involved (as counsel of record) in defending Honeywell in
22 three very recent cases involving military helicopter crashes in Iraq and Afghanistan.

23 6. The first case entitled *Beltran et al. v. Chadwick-Helmuth Electronics, et al.*, Case
24 No. CV 05 6344 R, involves claims filed by Juan Beltran for injuries suffered during the crash of
25 a U.S. Army Apache AH-64D Longbow helicopter while on a maintenance test flight in Tikrit,
26 Iraq on August 14, 2003. Mr. Beltran was the co-pilot gunner during the flight.

27 7. The second case entitled *Carns, et al. v. Chadwick Helmuth Electronics, et al.*
28 Case No. CV 05 6343 R involves claims filed by Ronald Carns for injuries he suffered in the

1 same crash in which Mr. Beltran was injured. Mr. Carns was the pilot-in-command of the
2 helicopter that crashed during this non-combat, maintenance test flight in Iraq.

3 8. The third case entitled *Flanigan, et al. v. Westwind Technologies, Inc.* Case No.
4 07-cv-1124 JDT involves claims filed by Cassandra Flanigan for the wrongful death of her
5 husband, William Flanigan, who died when his Apache AH-64A helicopter crashed on July 2,
6 2006 while responding to a rocket attack on Kandahar Air Base in Afghanistan. This crash
7 occurred during combat operations.

8 9. Access to U.S. Army information and investigation materials is crucial to
9 Honeywell's defense in all cases involving the crash of a military helicopter during wartime.

10 10. It has been my experience that the military's primary mission, i.e., attending to the
11 wars in Iraq and Afghanistan, takes overwhelming precedence over the discovery and trial needs
12 of parties to private litigation such as this case.

13 11. Obtaining discovery from the U.S. Army therefore is a very long process involving
14 a variety of restrictive U.S. Army regulations.

15 12. This case involves several plaintiffs and very complex issues.

16 13. In addition, the accident occurred during a Special Operations Forces combat
17 operation which will make it all the more difficult for the parties to this case to obtain access to
18 sensitive information from the U.S. Army.

19 14. Based on my experience, and the fact that the U.S. Army's investigation into the
20 cause of the crash is still ongoing, it is likely that it will take at least three years for the parties to
21 properly prepare this case for trial.

22 I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct, and that I executed this declaration on February 7, 2008 at San
24 Diego, California.

25
26 /s/ William V. O'Connor
27 William V. O'Connor
28